

APR. 19. 2006 11:58AM

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CENTRAL FAX CENTER

NO. 560 P. 2

APR 19 2006

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0081  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/664,837
		Filing Date	September 17, 2003
		First Named Inventor	James T. Perkins
		Art Unit	3763
		Examiner Name	Thanh, Loan H.
Total Number of Pages in This Submission	11	Attorney Docket Number	P03320 (6639-000051/US)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal Letter Request for Continued Examination (RCE)
Remarks: The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Michael L. Smith
Reg. No.	35,685		
Signature			
Date	April 19, 2006		

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Michael L. Smith	Express Mail Label No.	
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PTO/SB/21 (04-04)

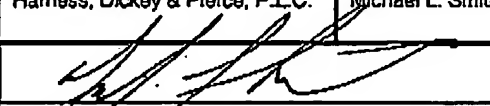
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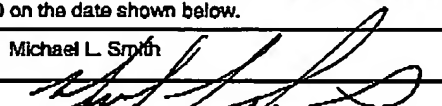
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harnes, Dickey & Pierce, P.L.C.	Attorney Name	Michael L. Smith
Reg. No.	35,685		
Signature			
Date	April 19, 2006		

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CENTRAL FAX CENTER****APR 19 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Application of:</b> James T. Perkins	<b>Examiner:</b> Thanh, Loan H.
<b>Serial Number:</b> 10/664,837	<b>Atty Docket No.:</b> P03320 (6639-000051/US)
<b>Filed:</b> September 17, 2003	<b>Art Unit:</b> 3763
<b>For:</b> PHACOEMULSIFICATION NEEDLE	

**TRANSMITTAL OF REQUEST FOR CONTINUED EXAMINATION (RCE)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Honorable Sir:

This RCE is being filed as a precaution to prevent the application from becoming abandoned. In conversation with Examiner Thanh on 15 February 2006, the undersigned was told that the final rejection would be removed based on my prior argument. However, no written communication has been received confirming this. In addition, Examiner Thanh is out of the office until 24 April 2006, after the last possible date to file an RCE. Therefore, reluctantly this RCE is being filed.

It is hereby requested that any fees required for this RCE be refunded, if the Examiner is in fact withdrawing the final rejection.

Respectfully submitted,



Michael L. Smith  
Reg. No. 35,685

DATE: April 19, 2006

Correspondence Address:  
BAUSCH & LOMB INCORPORATED  
One Bausch & Lomb Place  
Rochester, New York 14604-2701  
TEL: (314) 446-7646

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